

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert M. Zeigler,)	
)	C/A No. 2:07-3448-MBS-RSC
Plaintiff,)	
)	
vs.)	
)	
Guidant Corporation d/b/a Guidant Sales)	
Corporation, a Boston Scientific)	O R D E R
Company, and Michael Gold, M.D.,)	
)	
Defendants.)	
_____)	

Plaintiff Robert M. Zeigler brings this action against his former employer, alleging that he was terminated in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq. Plaintiff also alleges state law causes of action for wrongful termination and violation of public policy, defamation, tortious interference with employment relationship, intentional infliction of emotional distress, and civil conspiracy.

This matter is before the court on motion for partial dismissal filed by Defendant Guidant Corporation on February 21, 2008 (Entry 41). Defendant Guidant Corporation asserts that South Carolina does not recognize a cause of action for violation of public policy under circumstances where there is a statutory remedy. Plaintiff filed a memorandum in opposition to Defendant Guidant Corporation's motion on March 6, 2008.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On April 14, 2008, the Magistrate Judge issued a Report and Recommendation in which he recommended that the motion for partial dismissal be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendant Guidant Corporation's motion for partial dismissal (Entry 41) is granted, and Plaintiff's public policy cause of action is dismissed. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

May 6, 2008